

USTP Enforcement Activity

FY11-17

As of September 30, 2017

Annual Data Tables

Office of Planning and Evaluation
United States Trustee Program
U.S. Department of Justice

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Introduction

The annual data tables contained in this document provide summary statistics on the civil enforcement activities of the United States Trustee Program. The tables summarize data for Fiscal Year 2011 through Fiscal Year 2017 (October 1, 2010 through September 30, 2017). This report covers civil enforcement activity in four major areas: general civil enforcement, case administration, creditor abuse, and debtor identification.

United States Trustee Program

The United States Trustee Program (Program) is the component of the Department of Justice that is responsible for overseeing the administration of bankruptcy cases. The Program's mission is to promote integrity and efficiency in the bankruptcy system by enforcing bankruptcy laws; appointing and supervising private trustees; and ensuring that those involved in the process, including debtors, creditors, attorneys, and other professionals, fulfill their legal obligations. To carry out its mission, the Program has standing to participate in every bankruptcy case within its jurisdiction. (By statute, the Program does not have jurisdiction in Alabama and North Carolina.)

Further explanation of Program activity and a more detailed explanation of the types of enforcement actions are contained in the Program's Annual Reports of Significant Accomplishments, which are posted at the following website:

http://www.justice.gov/ust/eo/public_affairs/annualreport/index.htm

Data Definitions

Formal Actions include all motions, complaints and objections filed by Program personnel with the bankruptcy court seeking some type of relief.

Informal Actions include documented telephone calls, letters, e-mail transmissions, facsimile transmissions, and documented personal conversations by the United States Trustee to the debtor, debtor's counsel, or a third party (such as a trustee), raising a specific issue in a specific case that requires a response.

Successful Litigation Outcomes include outcomes where the court entered an order granting the relief sought by the United States Trustee, in whole or in part, or the defendant agreed to other relief satisfactory to the United States Trustee.

Success Rate is computed as the total number of formal actions where the court granted some or all of the relief sought or the defendant agreed to relief satisfactory to the US Trustee, divided by the total number of formal actions adjudicated or satisfactorily resolved prior to adjudication.

Financial Impact represents debt that potentially is not discharged in a bankruptcy case as a result of Program efforts. The measure also includes funds that become part of or remain in bankruptcy estates, funds that are returned to debtors, funds that are paid to the Treasury, and sanctions and fines as a result of Program efforts.

Table 1 – Formal Actions

Type of Formal Action	Total FY11-17	FY 2017	FY 2016	FY 2015	FY 2014	FY 2013	FY 2012	FY 2011
General Civil Enforcement								
§ 707(a) Dismissal for Cause	15,082	1,584	1,738	1,760	2,262	3,394	2,084	2,260
§ 707(b) Dismissal for Abuse	14,423	1,429	1,417	1,412	1,745	2,354	2,743	3,323
§ 727 Denial of Discharge	9,255	991	1,004	985	994	1,627	1,717	1,937
§ 1328(f) Denial of Discharge	551	210	172	41	55	17	17	39
§ 1307(c) Dismissal or Conversion	1,164	135	136	166	98	165	193	271
§ 110 Bankruptcy Petition Preparers	3,002	319	314	377	488	448	552	504
§ 327 & § 1103 Appointment of Professionals	5,202	528	583	597	641	898	1,025	930
§ 329 Attorney Fee Disgorgement	3,733	497	528	407	495	579	592	635
Other Attorney Misconduct	704	105	66	88	70	84	164	127
Referrals to State Bar	159	8	10	9	10	28	72	22
Creditor Abuse and Debt Relief Agencies								
§ 526 Debt Relief Agencies	231	47	36	15	47	30	9	47
Abusive Conduct by Creditors	2,255	192	85	190	161	640	428	559
Case Administration								
§ 1112(b) Conversion or Dismissal	23,578	2,217	2,489	2,691	3,379	3,813	4,423	4,566
§ 1125 Disclosure Statements	5,653	598	515	623	823	963	1,094	1,037
§ 1129 Plan Confirmation	2,797	338	281	349	394	409	495	531
§ 1104 Appointment of Trustee or Examiner	605	60	93	76	73	86	110	107
§ 330 Professional Fee Requests	3,886	342	386	466	629	680	699	684
§ 326 Trustee Fees	193	51	13	40	19	25	18	27
§ 503(c) Key Employee Retention Plans	260	34	48	38	40	43	34	23
DIP Financing/Cash Collateral Agreements	377	139	150	88	N/A	N/A	N/A	N/A
Debtor Identification								
Debtor Identification - Motions/Objections	176	11	11	19	32	32	35	36
Total	93,286	9,835	10,075	10,437	12,455	16,315	16,504	17,665

Table 2 – Informal Actions

Type of Informal Action	Total FY11-17	FY 2017 ²	FY 2016	FY 2015	FY 2014	FY 2013	FY 2012	FY 2011
General Civil Enforcement								
§ 707(a) Dismissal for Cause	12,122	1,351	1,416	1,280	1,337	2,077	2,213	2,448
§ 707(b) Dismissal for Abuse	86,002	9,566	9,396	9,859	10,867	13,658	15,002	17,654
§ 727 Denial of Discharge	13,645	1,687	1,905	1,704	1,617	1,921	2,176	2,635
§ 1328(f) Denial of Discharge	1,854	273	283	264	231	301	240	262
§ 1307(c) Dismissal or Conversion	616	54	72	80	96	146	83	85
§ 110 Bankruptcy Petition Preparers	4,795	620	474	557	612	604	809	1,119
§ 327 & § 1103 Appointment of Professionals	8,816	1,684	1,190	1,125	1,125	1,172	1,281	1,239
§ 329 Attorney Fee Disgorgements	8,648	1,268	1,272	1,077	1,023	1,237	1,328	1,443
Other Attorney Misconduct	2,108	298	279	277	342	239	307	366
Creditor Abuse and Debt Relief Agencies								
§ 526 Debt Relief Agencies	654	255	79	92	70	45	74	39
Abusive Conduct by Creditors	13,570	879	1,271	1,531	1,929	3,089	1,947	2,924
Case Administration								
§ 1112(b) Conversion or Dismissal	12,507	2,126	1,670	1,559	1,736	1,859	1,851	1,706
§ 1125 Disclosure Statements	3,270	403	366	409	446	520	586	540
§ 1129 Plan Confirmation	1,995	312	263	257	277	301	293	292
§ 1104 Appointment of Trustee or Examiner	226	25	28	22	33	32	39	47
§ 330 Professional Fee Requests	6,908	1,415	946	898	928	1,002	937	782
§ 326 Trustee Fees	1,386	181	189	241	312	133	151	179
§ 503(c) Key Employee Retention Plans	205	37	40	30	22	30	26	20
DIP Financing/Cash Collateral Agreements	584	220	201	163	N/A	N/A	N/A	N/A
Debtor Identification¹								
Debtor Identification – Problems Identified	10,266	1,045	1,047	1,304	1,547	1,486	1,752	2,085
Total	190,177	23,699	22,387	22,729	24,550	29,852	31,095	35,865

(1) Most informal actions relating to debtor identification issues are conducted by private trustees.

(2) The USTP's methodology for tabulating inquiry totals changed beginning in FY 2017 to include all inquiries initiated during the fiscal year. Inquiry counts were limited to one per case for each enforcement section in prior fiscal years.

Table 3 – Litigation Outcomes

Type of Action	Success Rate							
	Total FY11-17	FY 2017	FY 2016	FY 2015	FY 2014	FY 2013	FY 2012	FY 2011
General Civil Enforcement								
§ 707(a) Dismissal for Cause	98.7%	99.2%	98.5%	97.9%	98.5%	99.2%	98.6%	98.5%
§ 707(b) Dismissal for Abuse	98.8%	99.0%	98.5%	99.1%	98.7%	98.9%	98.9%	98.7%
§ 727 Denial of Discharge	98.7%	98.2%	98.7%	97.8%	98.8%	98.7%	98.7%	99.1%
§ 1328 (f) Denial of Discharge	99.8%	100.0%	100.0%	100.0%	100.0%	93.8%	100.0%	100.0%
§ 1307(c) Dismissal or Conversion	97.2%	96.7%	93.8%	97.7%	95.2%	100.0%	98.7%	97.2%
§ 110 Bankruptcy Petition Preparers	98.7%	99.0%	100.0%	98.8%	99.1%	98.1%	97.3%	98.8%
§ 327 & § 1103 Appointment of Professionals	91.5%	93.0%	92.6%	89.9%	93.0%	91.7%	91.6%	89.2%
§ 329 Attorney Fee Disgorgement	96.8%	96.9%	97.3%	97.8%	96.1%	96.9%	97.1%	95.7%
Other Attorney Misconduct	95.5%	98.8%	91.4%	89.7%	97.3%	96.0%	97.4%	95.2%
Creditor Abuse and Debt Relief Agencies								
§ 526 Debt Relief Agencies	99.6%	100.0%	96.4%	100.0%	100.0%	100.0%	100.0%	100.0%
Abusive Conduct by Creditors	99.2%	98.0%	100.0%	98.1%	98.0%	100.0%	99.3%	99.0%
Case Administration								
§ 1112(b) Conversion or Dismissal	98.2%	98.2%	98.2%	98.1%	98.2%	98.7%	97.9%	98.0%
§ 1125 Disclosure Statements	98.7%	98.3%	98.4%	99.2%	98.9%	99.2%	98.6%	98.2%
§ 1129 Plan Confirmation	93.3%	90.6%	92.2%	95.3%	91.8%	92.4%	95.3%	94.6%
§ 1104 Appointment of Trustee or Examiner	90.2%	88.5%	90.9%	84.3%	87.3%	94.5%	90.3%	93.5%
§ 330 Professional Fee Requests	94.7%	93.5%	92.8%	92.7%	95.6%	96.7%	94.7%	95.1%
§ 326 Trustee Fees	88.8%	95.7%	83.3%	71.4%	89.5%	95.8%	93.8%	85.7%
§ 503(c) Key Employee Retention Plans	71.5%	71.9%	55.6%	68.8%	86.5%	78.6%	66.7%	75.0%
DIP Financing/Cash Collateral Agreements	93.5%	93.2%	93.0%	94.9%	N/A	N/A	N/A	N/A
Debtor Identification								
Debtor Identification - Motions/Objections	98.9%	100.0%	85.7%	100.0%	100.0%	100.0%	100.0%	100.0%
Total	97.6%	97.5%	97.2%	97.0%	97.6%	98.2%	97.6%	97.5%

Table 4 – Potential Financial Impact (\$1,000s)

Type of Formal and Informal Action ¹ (Includes Fines and Fees Recovered)	Total ² FY11-17	FY 2017	FY 2016	FY 2015	FY 2014	FY 2013	FY 2012	FY 2011
General Civil Enforcement								
§ 707(a) Dismissal for Cause	\$807,948	\$49,876	\$87,391	\$43,522	\$66,357	\$137,594	\$93,899	\$329,309
§ 707(b) Dismissal for Abuse	\$1,928,159	\$185,425	\$183,277	\$194,262	\$206,162	\$306,356	\$375,464	\$477,213
§ 727 Denial of Discharge	\$6,853,013	\$579,438	\$536,466	\$840,005	\$737,585	\$1,128,814	\$1,432,140	\$1,598,565
§ 1328 (f) Denial of Discharge	\$70,679	\$19,125	\$16,445	\$6,189	\$7,232	\$10,719	\$4,384	\$6,585
§ 110 Actions - Fines Imposed	\$12,775	\$2,319	\$1,261	\$1,478	\$1,808	\$2,320	\$1,673	\$1,916
§ 110 Actions - Fees Recovered	\$2,401	\$146	\$171	\$280	\$418	\$468	\$499	\$419
§ 329 Attorney Fee Disgorgement	\$22,896	\$1,891	\$3,677	\$1,835	\$4,611	\$3,748	\$4,518	\$2,616
Attorney Sanctions	\$1,823	\$458	\$351	\$347	\$81	\$208	\$199	\$179
Creditor Abuse and Debt Relief Agencies								
§ 526 Debt Relief Agencies	\$844	\$141	\$157	\$138	\$70	\$243	\$44	\$51
Creditor Claims Reduced or Withdrawn, Sanctions, and Fines	\$232,791	\$2,451	\$102,961	\$51,623	\$7,637	\$18,203	\$30,815	\$19,101
Case Administration								
§ 330 Professional Fee Requests	\$295,829	\$19,284	\$27,257	\$27,492	\$37,916	\$48,376	\$36,055	\$99,449
§ 326 Trustee Fees	\$34,997	\$23,575	\$5,995	\$908	\$1,064	\$1,681	\$1,147	\$627
Debtor Identification								
Debtor Identification - Objection to Discharge	\$1,279	\$0	\$55	\$415	\$0	\$45	\$669	\$95
Total	\$10,265,433	\$884,128	\$965,464	\$1,168,494	\$1,070,941	\$1,658,775	\$1,981,506	\$2,536,125

(1) Some enforcement activities of U.S. Trustees, even when successful, do not have a directly measurable financial impact. Therefore, there are fewer categories listed on this table than on the previous three tables.

(2) Due to rounding, total potential financial impact by type of action or fiscal year may vary slightly from the sum of the row or column table entries.